

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:21-CV-225-BO

JUDITH KNECHTGES,

Plaintiff,

v.

N.C. DEPARTMENT OF PUBLIC
SAFETY, ERIC HOOKS, JANET
THOMAS, and TERRI CATLETT,

Defendants,

**PLAINTIFF'S
MOTION TO COMPEL
DISCOVERY AND FOR
EXPENSES**

NOW COMES Plaintiff, by and through undersigned counsel, and files this Motion to Compel Discovery and for Expenses pursuant to F.R. Civ. P. 26-37 and Local Civil Rule 7.3(c) and in support of this motion, Plaintiff states as follows:

1. Counsel for Plaintiff has made a good faith effort to resolve this discovery dispute before filing this Motion to Compel Defendants to respond to Plaintiff's discovery requests by exhibiting the utmost patience with Defendants and by informing counsel the week prior to filing the motion that such a motion would be filed in the absence of receiving said responses.
2. Discovery propounded by Plaintiff in April of this year is attached as Exhibit 1.
3. Despite not having provided Defendant any discovery responses, Defendants propounded discovery to which Plaintiff responded.

4. On June 28, 2022, the Parties filed a second Joint Motion to Extend the Case Management Deadlines to which Plaintiff agreed “based in part on discussions of a global settlement and conducting a mediation” [DE 18], as described by Defendants in their motion to extend the dispositive motion deadline [DE 24]. This motion to extend the case management deadlines was granted on July 5, 2022 [DE19].
5. Despite not having responded to Plaintiff’s discovery requests, on July 28, 2022, counsel for Defendants served discovery requests on counsel for Plaintiff to which responses were provided by Plaintiff.
6. Mediation took place on August 17, 2022, and was held open until September 14, 2022, at which time the mediator declared an impasse. [DE 25-3]
7. Defendants filed a motion to extend the deadline to file dispositive motions on September 27, 2022. [DE 24]
8. Counsel for Defendant stated in his motion to extend the dispositive motion deadline that he was optimistic the matter would settle.
9. An Order extending the deadline for dispositive motions was granted on October 7, 2022. [DE26]
10. Defendants have had over four months to respond to Plaintiff’s discovery requests and have not done so. It was not until Monday, October 3, 2022, that Defendants responded to Plaintiff’s Requests for Admission, in spite of the fact that counsel for Plaintiff informed counsel for Defendants that Plaintiff would move the Court to deem the Requests for Admissions admitted due to

Defendants' failure to respond, object, or ask for an extension of time to respond to them. Moreover, Defendants failure to respond to the rest of Plaintiff's discovery requests is clearly prejudicial to Plaintiff in responding to any dispositive motion that Defendant will likely file since the Court has extended the dispositive motion deadline.

11. If Plaintiff's motion to compel is granted, Plaintiff also moves this Court to order the Defendants' pay Plaintiff's expenses resulting from having to file this Motion under F.R. Civ. P. 37(a)(5).

WHEREFORE, for the reasons set forth above, for the good cause shown, Plaintiff respectfully requests that the Court grant this motion to compel and order Defendants to pay Plaintiff's expenses in bring this motion.

Respectfully submitted, this the 7th day of October 2022.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PLAINTIFF'S MOTION TO COMPEL AND FOR EXENSES** was served by filing the document electronically via the CM/ECF system, which will send notification of such filing to all counsel of record.

This the 7th day of October 2022.

/S/ VALERIE BATEMAN
NEW SOUTH LAW FIRM
Attorney for Plaintiff